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OFFICE OF PETITIONS

In re Application of :  
Wang, Jiping :  
Application No. 09/838,502 :  
Filed: April 19, 2001 :  
Attorney Docket No. 8053MX :

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed April 9, 2004, to revive the above-identified application.

The petition is **GRANTED**.

This application became abandoned for failure to timely reply within three months to the final Office action mailed July 9, 2003. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on October 10, 2003. A Notice of Abandonment was mailed on February 18, 2004.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

The Revocation of Power of Attorney or Authorization of Agent submitted on April 6, 2004, is hereby not accepted. The assignee failed to submit the Statement under 37 CFR 3.73(b), entitling the assignee to take action. In this regard, the assignee has not included the reel and frame number showing the chain of title from the inventor(s), of the patent application above, to the current assignee. The assignee may also submit any documentary evidence of a chain of title from the original owner to the assignee (e.g., copy of an executed assignment). The documents submitted to establish ownership might be required to be recorded pursuant to § 3.11 in the assignment records of the Office as a condition to permitting the assignee to take action in a matter pending before the Office. A Statement under 37 CFR 3.73(b) is enclosed for petitioner's convenience.

While a courtesy copy of this decision is being mailed to the person signing the instant petition, all future correspondence will be directed solely to the address currently of record until such time as appropriate instructions are received to the contrary.

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See *In re Application of S.*, 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$475.00 extension of time fee submitted with the petition on April 9, 2004 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's deposit account as authorized.

The above-identified application is being revived solely for purposes of continuity. As continuity has been established by this decision reviving the above-identified application, the above-identified application is again abandoned in favor of continuing application No. 10/821,139.

The file is now being forwarded to the Files Repository.

Telephone inquiries should be directed to the undersigned at (703) 306-0482.



Liana Chase  
Petitions Examiner  
Office of Petitions  
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for Patent Examination Policy

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Enclosure: Statement under 37 CFR 3.73(b)